

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	7 - 1 - 1
Yeas:	Barnhart, Berger, Dembrow, Holvey, Hoyle, Kennemer, Garrett
Nays:	Jenson
Exc.:	Hicks
Prepared By:	Erin Seiler, Administrator
Meeting Dates:	2/6

WHAT THE MEASURE DOES: Requires civil penalties for government ethics violation be imposed in accordance with procedures prescribed by Administrative Procedures Act.

ISSUES DISCUSSED:

- Eliminates statutory language that is no longer applicable to Oregon Government Ethics Commission (OGEC)
- Requirement that agencies, including OGEC, use Office of Administrative Hearing for contested case hearings
- Alignment of statute with practice of OGEC
- Removal of language has no substantive impact on contested case process in OGEC
- Ability of OGEC to enter into “no fault” stipulated agreements
- Possible amendment

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: In ORS 244.370, the Oregon Government Ethics Commission (OGEC) is required to conduct a hearing in all cases prior to the imposition of a penalty unless the public official or candidate waives the hearing. The public official or candidate to whom the notice is addressed has 10 days from the date of service of the notice in which to waive a hearing before the OGEC.

In 1999, the Legislature required that, with a few exceptions, an agency send contested hearings to the Office of Administrative Hearings. OGEC was not one of the exceptions. Since 1999, OGEC has used the Office of Administrative Hearings for contested case hearings; therefore, the language in ORS 244.370 is being removed in order to conform statute to practice of OGEC. The removal has no substantive effect on the contested case process for OGEC.

In accordance with the Administrative Procedures Act, House Bill 2080 would require a person be notified that a civil penalty has been imposed by OGEC. HB 2080 also provides 20 days from the date of service of the notice to make written application for a hearing, as any person who makes a request is entitled to a hearing. If a person does not make a request for hearing, OGEC may issue a final order imposing the penalty, due and payable 10 days after the order was finalized.

2/8/2013 8:33:00 AM

This summary has not been adopted or officially endorsed by action of the committee.